

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

DEWEY & LEBOEUF LLP,

Debtor.

Case No. 12-12321 (MG)

ePLUS GROUP, INC.,

Plaintiff,

v.

STEPHEN DICARMINE AND JOEL I.
SANDERS,

Defendants.

Adv. Pro. Case No. 13-01802 (MG)

ALAN M. JACOBS, as Liquidating Trustee
of the Dewey & LeBoeuf Liquidation Trust,

Plaintiff,

v.

STEPHEN H. DiCARMINE and JOEL I.
SANDERS,

Defendants.

Adv. Pro. Case No. 13-01765 (MG)

HENRY BUNSOW,

Plaintiff,

v.

JOEL I. SANDERS AND STEPHEN
DiCARMINE,

Defendants.

Adv. Pro. Case No. 12-02067(MG)

ORDER REGARDING MARCH 20, 2014 PRETRIAL CONFERENCE

A pretrial conference is scheduled to be held at 10:00 a.m., March 20, 2014, in two of the adversary proceedings listed above—*Jacobs v. DiCarmine et al.*, Adv. Pro. Case No. 13-01765 (MG) and *Bunsow v. Davis et al.*, Adv. Pro. Case No. 12-02067(MG). The pretrial conferences will proceed as scheduled.

A pretrial conference was previously held in the adversary proceeding, *ePlus Group, Inc. v. DiCarmine et al.*, Adv. Pro. Case No. 13-01802 (MG), on February 19, 2014. Following that conference, the Court entered a *Case Management Order (& Scheduling Order No. 2)*. (See ECF Doc. # 9.) The Case Management Order includes a schedule for briefing of a motion to dismiss that Defendants Joel Sanders and Stephen DiCarmine intend to make, with the (1) motion papers due on March 21, 2014, (2) responsive papers due on April 21, 2014, and (3) reply papers due on May 12, 2014.

During the February 19, 2014 pretrial conference in the *ePlus* case, the Court raised the issue whether the “plaintiff has standing to pursue the causes of action asserted against the defendants in the complaint.” (See Feb. 19, 2014 Tr. at 14:24–15:1, ECF Doc. # 11.) The Court directed the parties in the *ePlus* case to address the standing issue in briefing the motion to dismiss. The same standing issue may well exist in the *Bunsow* case.

The Court intends to discuss briefing of the standing issue during the March 20, 2014 pretrial conference. Jacobs’ counsel and Bunsow’s counsel should be prepared to address whether they wish to file briefs on the standing issue in the *ePlus* case and the schedule for doing so.

The Court recognizes that the recent state court indictment of Sanders, DiCarmine, Steven Davis may affect the schedules in any civil cases in which those three individuals are

defendants. While the pending indictment may affect the schedules for discovery in the adversary proceedings, the Court does not see why briefing schedules on motions to dismiss should be affected. Counsel should be prepared to discuss the issue of scheduling during the March 20, 2014 pretrial conference.

IT IS HEREBY ORDERED that counsel for the parties in ePlus Group, Inc. v. DiCarmine and Sanders, Adv. Pro. Case No. 13-01802 (MG), shall also appear for a further pretrial conference at 10:00 a.m., March 20, 2014.

IT IS SO ORDERED.

Dated: March 12, 2014
New York, New York

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge